

EXHIBIT 24
Redacted Version of
Document Sought to
be Sealed

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1 268, and that just states "Most users are
 2 not aware of session-based tracking."
 3 And my question is, are you
 4 aware of -- do you have any understanding
 5 of what that means, "session-based
 6 tracking"?
 7 A. No, I don't understand exactly
 8 what they mean by "session-based tracking"
 9 here, and the text is too small in these
 10 graphs.
 11 MR. REBLITZ-RICHARDSON: Okay.
 12 Let's take a break. Off the record.
 13 THE VIDEOGRAPHER: The time is
 14 10:36. We are going off the record and
 15 this will end media unit number one.
 16 (Recess taken.)
 17 THE VIDEOGRAPHER: The time is
 18 10:54 a.m. We are back on the record and
 19 this will be the start of media unit number
 20 two. Counsel.
 21 BY MR. REBLITZ-RICHARDSON:
 22 Q. Mr. Mardini, who is Sundar
 23 Pichai?
 24 A. Sundar Pichai is the CEO of
 25 Google.

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1 to review that document, Exhibit 34.
 2 A. One second, please.
 3 (Witness perusing document.)
 4 A. Yes.
 5 Q. Is Exhibit 34 an e-mail you
 6 received as part of your work for Google?
 7 A. Yes, this is what the e-mail
 8 says indeed.
 9 Q. And do you see where
 10 Mr. Galbraith refers to an exec review with
 11 Sundar on March 21st, 2019?
 12 A. Yes.
 13 Q. And do you understand that to
 14 be a reference to Mr. Pichai?
 15 A. Yes.
 16 Q. And under -- it says "The
 17 concepts are," and the first point there is
 18 "enhancements to incognito, in line with
 19 the thinking from Chris Palmer and others."
 20 Do you see that?
 21 A. Yes.
 22 Q. And, if you know, who is Chris
 23 Palmer?
 24 A. Chris Palmer was an engineer in
 25 the Chrome security team.

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1 Q. Have you ever communicated with
 2 Mr. Pichai concerning incognito mode?
 3 A. No, I did not communicate with
 4 Mr. Pichai directly concerning incognito
 5 mode.
 6 Q. Do you recall a March 2019
 7 meeting with Mr. Pichai to discuss issues
 8 tied to incognito mode?
 9 A. I was never in a meeting with
 10 Mr. Sundar Pichai.
 11 MR. REBLITZ-RICHARDSON: We are
 12 going to mark as Exhibit 34, it is
 13 GOOG-CABR-04991831.
 14 (Mardini Exhibit 34 marked for
 15 identification.)
 16 Q. Mr. Mardini, would you please
 17 tell me when you have Exhibit 34 in front
 18 of you.
 19 A. I'm refreshing. The last
 20 exhibit I have is still Exhibit 33. It
 21 might take a couple of seconds.
 22 MS. NYBORG-BURCH: It should be
 23 up now.
 24 A. Yes, I see it. I'm opening it.
 25 Q. Would you please take a moment

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1 Q. Had, if you know, had
 2 Mr. Palmer proposed changes to Chrome
 3 incognito mode?
 4 MR. SCHAPIRO: Objection,
 5 vague, ambiguous.
 6 A. Not directly to me, but Chris
 7 was a vocal engineer who talked with a lot
 8 of people.
 9 Q. What understanding, if any, do
 10 you have regarding what this is referring
 11 to, "enhancements to incognito, in line
 12 with the thinking from Chris Palmer and
 13 others"?
 14 MR. SCHAPIRO: Objection,
 15 foundation.
 16 A. I do not know exactly what Ben
 17 Galbraith here was referring to about the
 18 thinking from Chris Palmer.
 19 Q. Do you recall any discussions
 20 with Mr. Galbraith regarding that point,
 21 "enhancements to incognito, in line with
 22 the thinking from Chris Palmer and others"?
 23 A. At this point in time I don't
 24 recall exactly. This was my ramp-up time.
 25 This is when I had just joined the Chrome

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1 Trust and Safety team in early 2019, so
 2 there was lots of movements there. So I
 3 can't remember what were the follow-ups to
 4 this e-mail at this point.

5 MR. REBLITZ-RICHARDSON: Exhibit
 6 35 is GOOG-CABR-04991832.

7 (Mardini Exhibit 35 marked for
 8 identification.)

9 Q. Mr. Mardini, would you please
 10 let me know when you have Exhibit 35 in
 11 front of you.

12 A. I'm still refreshing. I have
 13 it now.

14 Q. Would you please take a moment
 15 to review Exhibit 35.

16 (Witness perusing document.)

17 A. Yes, I have reviewed it.

18 Q. Is Exhibit 35 an e-mail that
 19 you received as part of your work for
 20 Google?

21 A. Yes, I am in the CC list, so I
 22 received it.

23 Q. And do you understand this to
 24 be a response by Parisa Tabriz to
 25 Mr. Galbraith's e-mail that was previously

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1 Q. In connection with your work
 2 for Google, do you sometimes send e-mails
 3 that contain hyperlinks?

4 A. Yes.

5 Q. And why do you do that?

6 MR. SCHAPIRO: Objection to the
 7 form of the question.

8 A. Why do I send e-mails that
 9 contain hyperlinks?

10 Q. Yes, as opposed to, for
 11 example, attaching a document to an e-mail.

12 A. Because I may be linking to an
 13 article or I may be linking to just a web
 14 page or I might be linking to an online
 15 document, to an online presentation.

16 Q. Do you recall a presentation by
 17 Chris Palmer titled The Incognito Problem?

18 A. Yes, I think I do.

19 Q. Did you provide any input in
 20 connection with that presentation titled
 21 The Incognito Problem?

22 A. No, I did not provide input to
 23 that presentation, and I think I remember
 24 it because it was one of the presentations
 25 that might have been sent to me as I was

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1 marked as Exhibit 34?

2 MR. SCHAPIRO: Objection,
 3 foundation.

4 A. What the e-mail says, this is a
 5 response from Ms. Tabriz to Mr. Galbraith.

6 Q. And do you see where Ms. Tabriz
 7 wrote "To me, most of the problems Chris
 8 outlined about incognito in," underlined,
 9 "this deck," end underline, "aren't related
 10 to [REDACTED]. I do think we should address
 11 them but they are centered around browser
 12 features and browser UX."

13 Do you see that?

14 A. Yes, I see that.

15 Q. Do you understand that the
 16 underlined "this deck" is a hyperlink?

17 MR. SCHAPIRO: Objection,
 18 foundation.

19 A. Looking at the e-mail right
 20 now, I can't be certain whether this was a
 21 hyperlink or not.

22 Q. What do you understand a deck
 23 to be?

24 A. Presentation, collection of
 25 slides.

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1 ramping up.

2 Q. Did you invite other Google
 3 employees to edit the presentation titled
 4 The Incognito Problem, if you recall?

5 A. No, no. The presentation, I
 6 was not involved in preparing the
 7 presentation and, hence, I never invited
 8 anyone to edit it.

9 MR. REBLITZ-RICHARDSON: Let's
 10 mark Exhibit 36, GOOG-BRWN-00140297.

11 (Mardini Exhibit 36 marked for
 12 identification.)

13 Q. Mr. Mardini, would you please
 14 let me know when you have Exhibit 36 in
 15 front of you.

16 A. Yes, I will. I'm refreshing
 17 still.

18 Q. And I will state for the record
 19 that Google's counsel has represented that
 20 Exhibit 36 is the hyperlinked "this deck"
 21 document from Exhibit 35.

22 A. I have Exhibit 36 open.

23 Q. Is Exhibit 36 The Incognito
 24 Problem presentation that we were just
 25 discussing?

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1 new tab page about you are starting off
 2 with a clean slate, your browsing history
 3 is not saved, and your cookies and related
 4 site data are not saved, all that means,
 5 that there is a very specific context in
 6 which we can use the word "private."
 7 So if I were to look at this
 8 first bullet and try to interpret what it
 9 means, I didn't write it personally, so
 10 whatever I say may be right or may be
 11 wrong, but it seems to be saying let's be
 12 very clear about what the benefits of
 13 incognito mode are and stay away from areas
 14 that could be unclear.

15 MR. REBLITZ-RICHARDSON: Exhibit
 16 39, GOOG-BRWN-00388293.

17 (Mardini Exhibit 39 marked for
 18 identification.)

19 Q. Mr. Mardini, would you please
 20 let me know when you have Exhibit 39 in
 21 front of you.

22 A. Yes, I will. Yes, I have it in
 23 front of me now.

24 Q. My first question is, is
 25 Exhibit 39 an e-mail you sent as part of

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1 A. I do not remember the exact
 2 context of why Sundar didn't want to put
 3 incognito under the spotlight at that point
 4 in time.

5 Q. Did you have any discussions
 6 with other Google employees about why
 7 Mr. Pichai at that time did not want to put
 8 incognito under the spotlight?

9 MR. SCHAPIRO: Objection,
 10 foundation, assumes facts not in evidence.

11 A. No, I don't remember.

12 Q. Why did you write "Please don't
 13 forward" at the top of your e-mail?

14 A. Because I believe that this is
 15 a topic that should not be discussed with a
 16 wider list.

17 Q. Other than this e-mail, do you
 18 recall telling anyone else that Mr. Pichai
 19 did not want to put incognito under the
 20 spotlight?

21 MR. SCHAPIRO: Objection,
 22 misstates the testimony, foundation.

23 A. I do not recall whether I
 24 shared this, but I was not present at that
 25 meeting. I don't even remember who Tom

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1 your work for Google?

2 A. Yes.

3 Q. And do you see the bolded
 4 number 2 in your e-mail?

5 A. Yes.

6 Q. Under that, do you see the
 7 sentence starting "Yesterday"?

8 A. Uh-huh.

9 Q. Would you please read that
 10 sentence aloud.

11 A. "Yesterday, at the PDPO SC
 12 meeting, Tom Oliveri was present and told
 13 them that Sundar didn't want to put
 14 incognito under the spotlight so this
 15 iconography/rebranding should not be an I/O
 16 topic."

17 Q. When you wrote "Sundar didn't
 18 want to put incognito under the spotlight,"
 19 were you referring to Mr. Pichai?

20 A. Yes.

21 Q. If you know, why did Mr. Pichai
 22 not want to put incognito under the
 23 spotlight?

24 MR. SCHAPIRO: Objection,
 25 foundation.

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1 Oliveri is, and it seems here I am relaying
 2 a message that I heard second or thirdhand
 3 probably from Sammit about a meeting, the
 4 PDPO SC meeting, which I was not present
 5 in, where a person named Tom Oliveri that I
 6 didn't know, and probably this is why I
 7 hyperlinked, because probably the
 8 recipients of this e-mail also did not know
 9 him. So as I said, I did not know why, I
 10 don't know the reason, I just know that
 11 this is a message that Sammit delivered to
 12 me.

13 Q. Are you aware of any written
 14 minutes of the meeting where Mr. Pichai
 15 stated that he didn't want to put incognito
 16 under the spotlight?

17 MR. SCHAPIRO: Objection,
 18 assumes facts not in evidence, misstates
 19 the document, foundation.

20 A. No, I do not know.

21 Q. After the bolded number 2 you
 22 wrote "This was driven by Lorraine."
 23 Do you see that?

24 A. Yes.

25 Q. Who were you referring to

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25 (Pages 333 - 336)